

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 2166 - HB 2469**

February 26, 2018

**SUMMARY OF BILL:** Requires a preferred service employee to be reinstated if the commissioner of the appointing authority does not issue a decision within 15 days in a Step I appeal or if the Commissioner of the Department of Human Resources (“Human Resources”) does not issue a decision within 30 days in a Step II appeal.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Public Chapter 800 of the Public Acts of 2012, known as the TEAM Act, established an appeal procedure under Tenn. Code Ann. § 8-30-318 for a preferred service employee to challenge the application of law, rule, or policy to a dismissal, demotion, or suspension of the employee.
- The procedure includes three steps: (1) in Step I, the employee appeals to the appointing authority, i.e., the department or agency that appointed the employee to preferred service; (2) in Step II, the employee appeals to the Commissioner of Human Resources; and (3) in Step III, the employee appeals to the Board of Appeals.
- In a Step I appeal, the commissioner of the appointing authority must issue a decision within 15 days of receiving a complaint. Failure to issue a timely decision authorizes the employee to initiate a Step II appeal.
- In a Step II appeal, the Commissioner of Human Resources must issue a decision within 30 days of receiving a complaint. Failure to issue a timely decision authorizes the employee to initiate a Step III appeal.
- The proposed legislation requires a preferred service employee to be reinstated if the commissioner of the appointing authority or the Commissioner of Human Resources does not issue a timely decision. Further, the proposed legislation prohibits the appointing authority from dismissing, demoting, or suspending the employee on the same grounds.
- It is assumed that the commissioners of appointing authorities and the Commissioner of Human Resources routinely issue timely decisions.
- The proposed legislation will not significantly impact state operations.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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